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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,353	08/27/2003	Serge Bourbonnais	SVL920030056US1	6700
55070 7590 05/19/2008 INTERNATIONAL BUSINESS MACHINES CORP. (JMS) IP LAW 555 BAILEY AVENUE, J46/G4 SAN JOSE, CA 95141			EXAMINER LEWIS, CHERYL RENE A	
			ART UNIT 2167	PAPER NUMBER
			NOTIFICATION DATE 05/19/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/650,353	Applicant(s) BOURBONNAIS ET AL.	
	Examiner CHERYL LEWIS	Art Unit 2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/27/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-30 are presented for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 11, and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. In the preamble of claims 1, 11, and 21, the preamble recites "replication", however there is no replication of data nor is there any replication steps having replicating functional steps being presented within the body (embodiment) of the claim structure.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Donoho et al., (Patent No. 7346655 filed February 21, 2002, hereinafter Donoho).

7. Regarding Claims 1, 11, and 21, Donoho teaches a method and apparatus for computed relevance messaging.

The method and associated system for computed relevance messaging includes:

publishing a first log reader (col. 8, lines 17-24), first messages to a plurality of queues (col. 17, lines 19-55), the first messages comprising changes for transactions extracted from a log by the first log reader (col. 7, lines 4-10); one of the queues becomes available, launching a second log reader to read and extract from the log and to publish second messages comprising changes for transactions extracted from the log by the second log reader to the unavailable queue as a catch-up queue (8, lines 17-38); and the catch-up queue becomes available and the second log reader reaches the end of the log, transferring the publishing of the second messages for the catch-up queue from the second log reader to the first log reader (col. 18, lines 1-21).

8. Claims 2, 12, and 22, Donoho teaches the first log reader launches the second log reader (col. 8, lines 17-24).

9. Claims 3, 13, and 23, Donoho teaches terminating the second log reader (col. 8, lines 17-24).

10. Claims 4, 14, and 24, Donoho teaches the first log reader and the second log reader execute separately (col. 8, lines 17-24).

11. Claims 5, 15, and 25, Donoho teaches transferring comprises re-synchronizing the second log reader and the first log reader (col. 8, lines 17-24).

12. Claims 6, 16, and 26, Donoho teaches re-synchronizing comprises sending synchronization messages between the first log reader and the second log reader (col. 8, lines 17-24).

13. Claims 7, 17, and 27, Donoho teaches sending a first synchronization message from the second log reader to the first log reader with second log reader restart information (col. 8, lines 17-24); and if the second log reader is ahead of the first log reader in reading the log based on the second log reader restart information, sending a stop message to the second log reader (col. 8, lines 17-24).

14. Claims 10, 21, and 30, Donoho teaches storing first restart information, associated with the first log reader (col. 8, lines 17-24), in persistent memory; storing second restart information (col. 8, lines 17-24), associated with the second log reader, in persistent memory; stopping the first log reader and the second log reader (col. 8, lines 17-24), first launching the first log reader based on the first restart information (col. 8, lines 17-24); and second launching the second log reader based on the second restart information (col. 8, lines 17-24).

Allowable Subject Matter

15. Claims 8, 9, 19, 20, 28, and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

NAME OF CONTACT

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is (571) 272-4113. The examiner can normally be reached on 6:30-3:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

(571) 273-4113 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/ Technology Center (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Cheryl Lewis/
Primary Examiner, Art Unit 2167
May 12, 2008

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